claims 7 and 24, respectively. Accordingly, claims 7, 8, 17, 24, and 25 are in condition for allowance.

Claims 1, 3-9, 11-18 and 20-44 are now pending with claims 1, 7, 9, 17, 18, 24, 26 and 44 being independent.

For the reasons noted at pages 2-8 in the office action, claims 1, 3-6, 9, 11-16, 18, 20-23, and 26-44 stand rejected under 35 USC 103(a) as being unpatentable over various combinations of Bruno et al. (U.S. Patent No. 5,710,591), Braun (U.S. Patent No. 4,360,827), Everett (U.S. Patent No. 5,864,816), Stanley et. al (U.S. Patent No. 4,691,347), and Chau et al. (U.S. Patent No. 5,764,750). These rejections are traversed.

As presented, independent claim 1 recites an audio conference server for enabling an application program to provide multi-point, weight-controllable audio conferencing. The mixing means includes a means for providing distance-based attenuation according to sound decay characteristics.

The cited art -- whether taken alone or in combination -- fails to describe or suggest the combination of features recited in claim 1.

The Examiner asserts at page 8 of the office action that Everett discloses a mixing means providing distance-based attenuation according to sound decay characteristics. The Examiner specifically refers to Figs. 3 and 4 and col. 5, line 61 to col. 6, line 27 of Everett as somehow supporting this assertion.

However, Applicants disagree. Everett fails to
describe or suggest a weight-controllable audio conferencing
server as recited in claim 1 in which audio data is mixed by
providing distance-based attenuation <u>according to sound decay
characteristics</u>. Everett states at col. 6, lines 22-27 that his
attenuation method may be used in virtual environments in which
different sounds are controllably played or muted depending on a
position of the user. However, Everett's sounds are not
controllably played or muted according to sound delay
characteristics, but rather are played or muted based on a user's
manual adjustment of volume controls (e.g. sliders) as indicated
by the location of a cursor on the volume control screen. See
Everett Figs. 3-4 and at col. 5, lines 46-60, col. 6, lines 14-
22. Everett explains that "As the cursor is moved toward another
group, the audio track associated with that group begins to
become heard: in operation <u>the position of the cursor relative to
each group center determines the relative attenuation</u> (or lack of
it) applied to the respective audio . . ." See Everett at col.
6, lines 17-22 (Emphasis added). Therefore, Everett's
attenuation of sounds is not according to sound decay
characteristics as recited in claim 1.

Bruno and Braun each fails to cure the deficiencies of
Everett because, as the Examiner acknowledges at page 3 of the
office action, neither Bruno nor Braun describe or suggest a
weight controllable audio conferencing server as recited in claim

1 in which audio data is mixed by providing distance-based
attenuation according to sound decay characteristics.

These differences from the cited art provide the server
of claim 1 with several advantages. For example, as described in
the specification at page 6, line 26 - page 7, line 7, the server
of claim 1 provides a user with realistic sound that varies with
an apparent distance between that user's persona and either
another user's persona or a sound in a scene.

Thus, the theoretical combination of Bruno, Braun, and
Everett fails to describe or suggest the combination of features
recited in independent claim 1. For these reasons, applicant
requests withdrawal of the rejection of claim 1.

Claim 9 recites a method for enabling an audio
conference server (ACS) to provide weight controllable audio
conferencing. Audio data is mixed to provide distance-based
attenuation according to sound decay characteristics. For
reasons discussed above with respect to claim 1, any theoretical
combination of Bruno, Braun, and Everett fails to describe or
suggest the combination of features recited in independent claim
9. For these reasons, applicant requests withdrawal of the
rejection of claim 9.

Claim 18 recites a computer program for enabling an
audio conference server (ACS) to provide weight controllable
audio conferencing. The mixing means includes a means for
enabling the computer to provide distance-based attenuation

according to sound decay characteristics. For reasons discussed above with respect to claim 1, any theoretical combination of Bruno, Braun, and Everett fails to describe or suggest the combination of features recited in independent claim 18. Accordingly, applicant requests withdrawal of the rejection of claim 18.

Independent claim 26 recites an audio conferencing method that includes attenuating received audio data based on audio decay characteristics to simulate a distance between a source audio client and a target audio client. For reasons discussed above with respect to claim 1, none of Bruno, Braun, and Everett describes or suggests the combination of features recited in independent claim 26. For at least these reasons, claim 26 is allowable.

Independent claim 44 recites computer software for an audio conference server. The software comprises instructions for causing a computer processor to attenuate received audio data based on audio decay characteristics to simulate a distance between a source audio client and a target audio client. For reasons discussed above with respect to claim 1, none of Bruno, Braun, and Everett describes or suggests the combination of features recited in independent claim 44. Accordingly, claim 44 is allowable over the art of record.
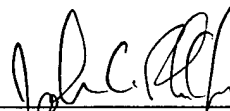
The remaining claims -- claims 3-6, 11-16, 20-23, and 27-43 -- each depend from one of the independent claims discussed

above. Accordingly, the dependent claims are allowable for the reasons set forth with respect to their respective independent claims, and for containing allowable subject matter in their own right. Independent consideration and allowance of the dependent claims are requested.

In view of the foregoing remarks, this application is in condition for allowance, and a notice thereof is requested.

Respectfully submitted,

Date: October 7, 1999

John C. Phillips
Reg. No. 35,322

Fish & Richardson P.C.
601 13th Street NW
Washington, D.C. 20005

Telephone: 202/783-5070
Facsimile: 202/783-2331
100180.W11